

Minutes of Land Use, Parks and Environment Committee
Tuesday, April 21, 2009

Chair Fritz Ruf called the meeting to order at 8:30 a.m. and led the Committee in the Pledge of Allegiance.

Committee Present: Supervisors Fritz Ruf (Chair), James Jeskewitz, Walter Kolb, Rob Hutton (arrived at 8:38 a.m.), Ted Rolfs, Janel Brandtjen, Gilbert Yerke.

Also Present: Chief of Staff Mark Mader, Planning and Zoning Manager Dick Mace, Parks System Manager Duane Grimm, Senior Financial Analyst Bill Duckwitz, Parks and Land Use Director Dale Shaver, Solid Waste Supervisor Karen Fiedler, Business Manager Peter Mudek

Approve Minutes of March 17, 2009

MOTION: Jeskewitz moved, second by Kolb, to approve the minutes of March 17, 2009. Motion carried: 6-0

Correspondence

- Letter from Attorney Debbie Price to Planning and Zoning Manager Dick Mace RE: Court Decision in Anders v. Waukesha County, 07-CV-1573

Executive Committee Report

Ruf discussed the items discussed at the 4-20-09 Executive Committee meeting.

- Approved appointments
- Discussion of ordinances (The RTA ordinance was tabled)
- Modification of entryway

(Hutton arrived at 8:38 a.m.)

- Discussion of legislative issues with Senator Albert Darling
- Committee Reports

Future Meeting Date

- May 5, 2009

Discuss and Consider Resolution 164-R-001: Amend The Regional Water Quality Management Plan For The City Of Muskego, Waukesha County, Wisconsin

Mace explained that the area proposed to be added to the Muskego sanitary sewer service area encompasses 122 acres. The area is comprised of 9 acres of existing residential development, including 5 existing homes; 72 acres of agricultural land; 40 acres of isolated natural resource area and 1 acre of wetland area. The developable portion of the subject area is anticipated to be developed for residential use, accommodating an estimated future population of about 150 persons. The proposed amendment has been approved by the Waukesha County Park and Planning Commission as well as the Southeastern Wisconsin Regional Planning Commission.

MOTION: Kolb moved, second by Jeskewitz, to approve Resolution 164-R-001. Motion carried 7-0.

Discuss and Consider Ordinance 164-O-001: Amend The District Zoning Map Of The Town Of Eagle Zoning Ordinance By Rezoning Certain Lands Located In Part Of The NW ¼ Of Section 36, T5N, R17E, Town Of Eagle, Waukesha County, Wisconsin, From The C-1 Conservancy District To The RLO – Residential Lake Overlay District (ZT-1688)

Mace explained the location of the property located in the Town of Eagle, consisting of 2/3 of an acre. There is some wetland and conservancy lands on this property. The proposed rezoning complies with

the Waukesha County Development Plan and the Town of Eagle Land Use Plan.

Mace explained that the residence is outside of and above the 100-year floodplain as presently identified in the latest FEMA maps. The petitioners' land was mistakenly put in the Conservancy District under the Town's Ordinance for reasons unknown. This rezoning would correct the error in mapping which occurred on the Town zoning map.

Yerke asked if this home would be in the surge area should the dam break. Mace said the dam failure analysis was used to determine the floodplain, and this house would not be affected. Rolfs asked what the effect of this rezone would be on the landowner. Mace stated that it would put the property into an area that is not conservancy; the property value would be impacted greatly because it would put it out of the floodplain.

MOTION: Yerke moved, second by Brandtjen, to approve Ordinance 164-O-001.
Motion carried: 7-0.

Discuss and Consider Ordinance 164-O-002: Amend The Zoning District Map Of The Town Of Delafield Zoning Ordinance By Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 27, T7N, R18E, Town Of Delafield, Waukesha County, Wisconsin, From The A-1 Agricultural District To The A-2 Rural Home District (ZT-1687)

Mace explained the location of the property, on the southeast side of Maple Avenue, in the Town of Delafield. He stated the petitioner owns a total of 120-acres on five different parcels. The proposed request is to rezone 10-acres of the 120-acres to create two 5-acre parcels for family members. The Waukesha County Development Plan indicates this area is to be retained in the Rural Density Residential land uses having a minimum 5-acre density, as does the Town's Land Use Plan. The proposed rezoning complies with both plans.

MOTION: Hutton moved, second by Brandtjen, to approve Ordinance 164-O-002.
Motion carried: 7-0.

Discuss and Consider Ordinance 164-O-003: Approve Land Use Permit To Wisconsin Electric Power Company For Installation, Operation, And Maintenance Of Underground Electric Power Lines And Two Aboveground Poles

Grimm explained this ordinance to authorize the Parks and Land Use Department to enter into a Land Use Permit with the Wisconsin Electric Power Company, to install, operate and maintain underground utilities facilities, conduit, cables and two above ground poles on County owned land along a portion of the Bug Line Trail in the Village of Sussex. Grimm stated that WE Energies would pay a one-time fee of \$1,612 for the permit.

MOTION: Rolfs moved, second by Kolb, to approve Ordinance 164-O-003.

Grimm assured Hutton that the users of the trail would not be affected by this endeavor.

Motion carried 7-0.

Discussion of Recycling Markets and Materials Recycling Facility Contract Amendment

Shaver explained the background and history of the Waukesha County's recycling contracts dating back to the 1990's. Typically, the contract has given the County 50% of the revenues from the sale of the recyclable products. Until April of last year, the County was also paying \$18-\$25 per ton to process the waste.

Shaver reviewed the graph on the handout titled *Waukesha County MRF Total Average Revenue Per Ton Shipped*. He noted the trend of the total average revenue per ton shipped on an annual basis from 1991 through 2008. In aggregate during 2008, the recycling market was very good overall; however, beginning in mid-October of 2008, the revenue dropped significantly. Shaver continued with a review of the graphs titled *Average Per Ton Market Price Received for all Recyclables 2008-09*, *Waukesha County Revenue Share (50%)* and *Average Per Ton Market Price For Commingled Containers*.

Shaver explained that under the current contract, signed in April 2008, the vendor is actually paying the County \$6.50 per ton of waste (rather than charging the prior \$18-\$25 per ton). The contract language states that the County would share in any revenue loss incurred from the sale of marketable materials if there is a net loss faced by the operator for three consecutive months or more. For the first time in the history of the contract, this type of loss has occurred. The contract does not address how to handle it. This contract amendment will address that issue.

In accordance with the current contract, the contractor (FCR) has submitted documentation that substantiates a net loss in MRF operations for the months of November and December 2008 and January 2009. Shaver explained however, that FCR provided only limited data. Subsequently, the data was analyzed and researched further by Parks and Land Use staff, with the assistance of an outside company. As detailed on the handout titled *Amendment Number 2, Waukesha County Recycling Facility (MRF) Service Agreement*, a step scale was developed. The step scale would be applied monthly to the 2008 (base) per ton payment price. The step decreases are based on the monthly commingled commodity per ton market revenues. In the event that there is a payment due to the contractor, the contractor would net the payment due from the County revenue share as specified in the contract.

MOTION: Rolfs moved, second by Jeskewitz, to adjourn at 9:51 a.m. Motion carried 7 -0.

Respectfully submitted,

Jim Jeskewitz
Secretary